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Practitioner's Docket No. 2004-2156.CIP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Regalo International, LLC
Serial No.: 10/820,358
Filed: April 7, 2004
For: Mattress Hugging Bed Rail
Examiner: SANTOS, Robert G.
Group No.: 3673
Confirmation No.: 8169

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Information Disclosure Statement

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicant hereby submits the attached Form(s) 1449 (or equivalent) such that the reference(s) listed may be considered and made of record. No representation is made that any of the listed reference(s) is prior art pursuant to 35 U.S.C. § 102 and/or 35 U.S.C. § 103.

This Information Disclosure Statement is being filed in accordance with the following provision(s):

37 CFR 1.97(b)(3) Before the mailing of a first Office action on the merits. No fee is required.

I hereby certify that this correspondence and the documents referred to as enclosed therein are being facsimile transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 5, 2005 to 1-571-273-8300 by applicant's attorney, Robert J. Jacobson.


Robert J. Jacobson, Reg. No. 32,419

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37 CFR 1.98(d) A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an information disclosure statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application, unless:

- (1) The earlier application is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and
- 2) The information disclosure statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

As to 37 CFR 1.97(b)(3), this Information Disclosure Statement is being facsimile transmitted on October 5, 2005, on which date the undersigned is also responding to the outstanding restriction requirement dated August 5, 2005.

As to 37 CFR 1.98(d), this application relies, under 35 U.S.C. 120, on the earlier filing date of U.S. Patent Application 10/652,296 filed August 29, 2003. The following references were submitted to, and/or cited by, the Patent Office in the prior application and, therefore, are not required to be provided in this application: the Brewin et al. U.S. Patent Application Publication No. 2004/0250347 A1, which references was cited by the Patent Office with the Notice of Allowance of June 3, 2005 of U.S. Patent Application 10/652,296 and is listed on the attached PTO-1449 form "1 of 2."

Additional references

PTO-1449 form number "2 of 2" lists a reference identified in the Office Action dated September 13, 2005 of U.S. Patent Application Number 11/157,723 (a divisional of the parent case

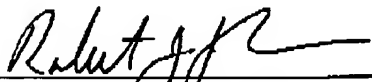
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10/652,296). This reference, the Hannaberg U.S. Patent No. 3,474,473, is being transmitted herewith.

Respectfully submitted,

Date: 10-5-05



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